

U. S. Nuclear Regulatory Commission Plan for Implementing the Electronic Signature Requirement of the 21st Century Integrated Digital Experience Act

June 12, 2019

The 21st Century Integrated Digital Experience Act (IDEA), 44 U.S.C. § 3501 Note (2018) was signed into law on December 20, 2018. Section 5 of IDEA requires agencies to submit to the Director of the Office of Management and Budget (OMB), and to appropriate congressional committees by June 18, 2019, a plan to accelerate the use of electronic signature standards established under the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15 U.S.C. 7001 et seq.

The E-Sign Act became law on June 30, 2000, and it was followed by several documents that provided guidance on implementing the act's electronic-signature requirements. OMB issued the Act's memorandum M-00-15, "OMB Guidance on Implementing the Electronic Signatures in Global and National Commerce Act," on September 25, 2000. Next, the Federal Chief Information Officers Council and the General Services Administration issued a document titled "Use of Electronic Signatures in Federal Organization Transactions" on January 25, 2013. Most recently, on May 21, 2019, OMB issued memorandum M-19-17, "Enabling Mission Delivery through Improved Identity, Credential, and Access Management."

As explained in these guidance documents, the basic areas covered by the E-Sign Act include promotion of the use of electronic contract formation, signatures, and recordkeeping in private commerce by establishing legal equivalence between the following:

- contracts written on paper and contracts in electronic form
- pen-and-ink signatures and electronic signatures
- other legally-required written documents (termed "records") and the same information in electronic form

As these guidance documents also make clear, the E-Sign Act applies to the following five areas:

1. regulation of private parties' contract formation
2. legally required notices and disclosures in private transactions
3. record retention requirements
4. filings
5. Federal agency contracts

Current Progress

The Nuclear Regulatory Commission (NRC) is in full compliance with the E-Sign Act. In 2005, the agency implemented electronic submission and digital signing capabilities for licensees, applicants, external entities (including Federal, State, and local governments), vendors, participants in adjudicatory proceedings, and members of the public who submit documents through the agency's Electronic Information Exchange system. The NRC's [Guidance for Electronic Submissions to the NRC, Revision 8](#), dated May 18, 2017, (Agencywide Documents

Enclosure

Access and Management System Accession No. ML13031A056), provides guidance on how to use these electronic-submission and digital-signing capabilities.

In 2013, the NRC implemented electronic signatures for contracting actions by using the agency's Strategic Acquisition System (STAQS). External parties gain access to the electronic signature capabilities of STAQS through an external portal called FedConnect. Commercial contractors and grantees can use FedConnect to electronically accept awards.

In addition, the NRC has issued Management Directive 2.9, "Use and Acceptance of Electronic Signatures" (January 30, 2018) and an "Electronic Signature Implementation Assessment Guide" (September 29, 2017). These documents provide information on the electronic signature assessment process, and they provide guidance regarding the standards to be followed when designing or evaluating an electronic signing process.

Planned Implementations

Although the NRC currently meets the requirements of the E-Sign Act, the agency continually evaluates how best to modernize and simplify processes to enhance the effective use of NRC and external stakeholder resources. For example, the NRC plans to initiate efforts in fall 2019 to enhance its Web-Based Licensing system to allow licensees to electronically sign and submit license applications. Final implementation will be subject to the ability to obtain budgeted resources. Consistent with the Federal Government Smart Cloud Initiative, the NRC is also evaluating potential cloud-based electronic signature Software as a Service offerings as possible replacements for some of our current custom-designed electronic-signature processes.